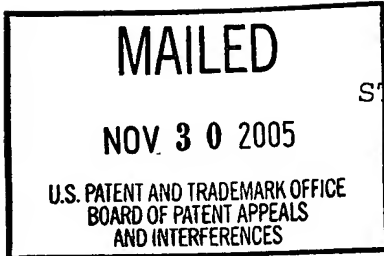


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES



Ex parte EDEL BERNADETTE O'TOOLE,  
STEPHEN ROBERT SCHOFIELD, PAUL MEREDITH  
and CHRISTOPHER LAWERENCE GUMMER

Application No. 10/049,497

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 5, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the application indicates that the following headings are missing from the Appeal Brief of April 1, 2005:

- 1) "Evidence appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and
- 2) "Related proceedings appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A supplemental brief that is in compliance with 37 CFR § 41.37(c) is required.

An Information Disclosure Statement (IDS) was filed June 1, 2004. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly it is

**ORDERED** that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of April 1, 2005 defective;
- 2) for applicant to file a supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the supplemental Appeal Brief, and vacate the Examiner's Answer mailed June 17, 2005, and issue a new Examiner's Answer in accordance with the new rules;

- 4) for the examiner to consider the July 9, 2002 IDS;
- 5) for the examiner to give written notification to appellant regarding the result of the examiner's consideration and;
- 6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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CRAIG R. FEINBERG  
Program and Resource Administrator  
(571) 272-9797

CRF/eld

CC: The Procter & Gamble Company  
Intellectual Property Division  
Winton Hill Technical Center - Box 161  
6110 Center Hill Avenue  
Cincinnati, OH 45224